



**THE STATES assembled on Wednesday  
2nd November 2011, at 09.30 a.m. under  
the Presidency of the Bailiff,  
Michael Cameron St. John Birt Esquire.**

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**His Excellency the Lieutenant Governor,  
General Sir John McColl, K.C.B., C.B.E., D.S.O.  
was present.**

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All members were present at roll call with the exception of –

Senator Philip Francis Cyril Ozouf – excused attendance  
Senator Ben Edward Shenton – en défaut  
Senator Frederick Ellyer Cohen – absent on States business  
Connétable Daniel Joseph Murphy of Grouville – excused attendance (arrived in the Chamber at 11.15 a.m.)  
Connétable Graeme Frank Butcher of St. John – ill  
Connétable Leonard Norman of St. Clement – ill  
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.53 a.m.)  
Deputy Carolyn Fiona Labey of Grouville – excused attendance (arrived in the Chamber at 10.40 a.m.)  
Deputy Sean Seamus Patrick Augustine Power of St. Brelade – excused attendance  
Deputy Deborah Jane De Sousa of St. Helier – ill

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Prayers read by the Deputy Greffier of the States

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#### **Documents presented or laid**

Children and Young People: A strategic framework for Jersey. R.133/2011.  
Presented: 2nd November 2011.  
*Minister for Health and Social Services.*

#### **Notification of lodged propositions**

Land Development Tax or equivalent mechanisms (P.147/2011): addendum. P.147/2011.  
Presented: 2nd November 2011. Add.  
*Deputy of St. Mary.*

#### **Draft Motor Traffic (Third-Party Insurance) (Amendment No. 12) (Jersey) Law 201- P.134/2011**

THE STATES commenced consideration of the Draft Motor Traffic (Third-Party Insurance) (Amendment No. 12) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

**POUR: 40****CONTRE: 0****ABSTAIN: 0**

Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator T.J. Le Main  
Senator J.L. Perchard  
Senator A. Breckon  
Senator S.C. Ferguson  
Senator A.J.H. Maclean  
Senator B.I. Le Marquand  
Senator F. du H. Le Gresley  
Connétable of St. Ouen  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Brelade  
Connétable of St. Martin  
Connétable of St. Peter  
Connétable of St. Lawrence  
Connétable of St. Mary  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of St. Ouen  
Deputy J.A. Hilton (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy S. Pitman (H)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy of St. John  
Deputy M. Tadier (B)  
Deputy A.E. Jeune (B)  
Deputy T.M. Pitman (H)  
Deputy A.T. Dupré (C)  
Deputy E.J. Noel (L)  
Deputy T.A. Vallois (S)  
Deputy M.R. Higgins (H)  
Deputy A.K.F. Green (H)  
Deputy J.M. Maçon (S)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 6.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Motor Traffic (Third-Party Insurance) (Amendment No. 12) (Jersey) Law 201-.

**Draft Health Insurance (Amendment No. 14) (Jersey) Law 201- P.136/2011**

THE STATES commenced consideration of the Draft Health Insurance (Amendment No. 14) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

**POUR: 41****CONTRE: 1****ABSTAIN: 0**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator T.J. Le Main  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. Saviour  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S. Pitman (H)  
 Deputy K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy M. Tadier (B)  
 Deputy A.E. Jeune (B)  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy A.T. Dupré (C)  
 Deputy E.J. Noel (L)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

Deputy of St. John

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 12, as amended by the following amendments proposed by the Minister for Social Security –

that in Article 2 for paragraph (b) there should be substituted the following paragraph –

- “(b) for the word ‘therewith,’ there shall be substituted the words ‘therewith; to establish systems of governance of, and minimum standards for, persons providing a service for which the recipient is entitled to a benefit under the Law; to enable the funding, out of the system of insurance, of contracts for the provision of health services, in accordance with standards, or at levels of performance, determined by the contracts;’”.

that in Article 3 in paragraph (1) –

- (a) sub-paragraph (c) should be deleted;
- (b) in sub-paragraph (d), in the definition “performers list” for the word “Order” there should be substituted the word “Regulations”, and the sub-paragraphs renumbered accordingly.

that in Article 4 in the inserted Article 9A –

- (a) in paragraph (2) for the words “an approved medical practitioner who is not practising as or within the person’s preferred practice” there should be substituted the words “a general medical practice which is not the person’s main practice”;
- (b) for the words “preferred practice” in each place that they appeared there should be substituted the words “main practice”.

that in Article 6 in Article 20B(6)(c) of the inserted Part 3A for the words “an Order” there should be substituted the word “Regulations”.

that in Article 9 in Article 27A of the inserted Part 5A –

- (a) in paragraph (1), for the words “The Minister for Health and Social Services shall by Order” there should be substituted the words “The States shall by Regulations”;
- (b) in paragraphs (2), (3), (4), (7), (8) and (9) for the words “The Order” there should be substituted the words “The Regulations”;
- (c) in paragraphs (2)(g), (2)(h), (3)(e) and (7) for the words “the Order” there should be substituted the words “the Regulations”;
- (d) in paragraphs (5) and (6) for the words “An Order” there should be substituted the word “Regulations”;
- (e) in paragraph (8) for the words “prescribed, of any prescribed” there should be substituted the words “specified, of any specified”;
- (f) after paragraph (11) the following paragraphs should be added –

“(12) Only the Minister for Health and Social Services may lodge draft Regulations under this Article.

- (13) Before lodging draft Regulations under this Article the Minister for Health and Social Services shall –
- (a) consult with such body or bodies of persons as appear to the Minister to be representative of general medical practitioners; and
  - (b) consider any representations made in respect of the proposed Regulations.”.
- (2) In Article 27B(1) of the inserted Part 5A the words “so as to confer powers by Order,” should be deleted.

that in Article 10 in paragraph (b), in the added paragraph (5)(a)(i) and (b)(i) for the words “an Order” there should be substituted the words “Regulations”.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Health Insurance (Amendment No. 14) (Jersey) Law 201-.

Members present voted as follows –

**POUR: 38**

**CONTRE: 1**

**ABSTAIN: 0**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator T.J. Le Main  
 Senator J.L. Perchard  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. Saviour  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S. Pitman (H)  
 Deputy K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy M. Tadier (B)

Deputy of St. John

Deputy A.E. Jeune (B)  
Deputy A.T. Dupré (C)  
Deputy E.J. Noel (L)  
Deputy T.A. Vallois (S)  
Deputy A.K.F. Green (H)  
Deputy J.M. Maçon (S)

**Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Czech Republic P.138/2011**

THE STATES, adopting a proposition of the Chief Minister, ratified the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Czech Republic as set out in the Appendix to the Report of the Chief Minister dated 9th August 2011.

**Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of South Africa P.139/2011**

THE STATES, adopting a proposition of the Chief Minister, ratified the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Republic of South Africa as set out in the Appendix to the Report of the Chief Minister dated 9th August 2011.

**Draft Pharmacists and Pharmacy Technicians (Registration) (Amendment) (Jersey) Law 201-P.140/2011**

THE STATES commenced consideration of the Draft Pharmacists and Pharmacy Technicians (Registration) (Amendment) (Jersey) Law 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 6.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Pharmacists and Pharmacy Technicians (Registration) (Amendment) (Jersey) Law 201-.

**Draft Poisons (Jersey) Law 201- P.141/2011**

THE STATES commenced consideration of the Draft Poisons (Jersey) Law 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 25.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Poisons (Jersey) Law 201-.

Members present voted as follows –

**POUR: 33**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator T.J. Le Main  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. Saviour  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy of Trinity  
 Deputy S. Pitman (H)  
 Deputy K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy M. Tadier (B)  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy E.J. Noel (L)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 3**

Senator J.L. Perchard  
 Connétable of St. Lawrence  
 Deputy J.A. Hilton (H)

**ABSTAIN: 1**

Connétable of St. Ouen

**Draft Shipping (Amendment No. 3) (Jersey) Law 201- P.143/2011**

THE STATES commenced consideration of the Draft Shipping (Amendment No. 3) (Jersey) Law 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 5.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Shipping (Amendment No. 3) (Jersey) Law 201-.

**Road Fuel Prices: display P.146/2011**

THE STATES, adopting a proposition of Senator Alan Breckon, agreed to request the Minister for Economic Development to bring forward for approval the necessary legislation to introduce a requirement for all retailers of road fuel to display the price of road fuel on sale so that it was clearly visible to passing motorists from the adjacent roadway.

Members present voted as follows –

**POUR: 34****CONTRE: 2****ABSTAIN: 0**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator F. du H. Le Gresley  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Saviour  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.B. Fox (H)  
 Deputy G.P. Southern (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy of Trinity  
 Deputy K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy of St. John  
 Deputy M. Tadier (B)  
 Deputy of St. Mary  
 Deputy A.T. Dupré (C)  
 Deputy E.J. Noel (L)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

Senator B.I. Le Marquand  
 Deputy A.E. Jeune (B)

**Radon Gas Levels and Cancer Rates in Jersey P.144/2011**

THE STATES, adopting paragraph (a) of a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier, agreed to request the Minister for Health and Social Services to conduct an updated study on radon gas levels in Jersey.



Members present voted as follows –

**POUR: 34**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Saviour  
 Connétable of St. Lawrence  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S. Pitman (H)  
 Deputy K.C. Lewis (S)  
 Deputy of St. John  
 Deputy M. Tadier (B)  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy A.T. Dupré (C)  
 Deputy E.J. Noel (L)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 3**

Connétable of St. Brelade  
 Connétable of St. Peter  
 Connétable of St. Mary

**ABSTAIN: 1**

Deputy A.E. Jeune (B)

THE STATES rejected paragraph (b) of a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier to request the Minister for Health and Social Services to undertake a campaign to increase public awareness of the dangers posed by radon gas (including where in Jersey the risks were greatest) and to set out what precautions could be taken, including the use of detectors.

Members present voted as follows –

**POUR: 18**

Senator P.F. Routier  
 Senator F. du H. Le Gresley  
 Connétable of St. Helier  
 Connétable of St. Lawrence  
 Deputy of St. Martin

**CONTRE: 18**

Senator T.A. Le Sueur  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of Trinity

**ABSTAIN: 0**

Deputy R.G. Le Hérissier (S)	Connétable of Grouville
Deputy J.A. Martin (H)	Connétable of St. Brelade
Deputy of Grouville	Connétable of St. Saviour
Deputy J.A. Hilton (H)	Connétable of St. Mary
Deputy P.V.F. Le Claire (H)	Deputy R.C. Duhamel (S)
Deputy S. Pitman (H)	Deputy J.B. Fox (H)
Deputy K.C. Lewis (S)	Deputy of St. Ouen
Deputy of St. John	Deputy of Trinity
Deputy M. Tadier (B)	Deputy A.E. Jeune (B)
Deputy of St. Mary	Deputy A.T. Dupré (C)
Deputy T.M. Pitman (H)	Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)	Deputy A.K.F. Green (H)
Deputy M.R. Higgins (H)	Deputy J.M. Maçon (S)

THE STATES noted that, as there was an equality of votes, the matter had been determined in the negative in accordance with Article 16(2) of the States of Jersey Law 2005.

THE STATES, adopting paragraph (c) of a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier, agreed to request the Minister for Health and Social Services to commission and publish an independent expert's report into why Jersey had the cancer rates that it did and, in particular, why those rates were higher for certain cancers than in the South West of England, with this study to include an epidemiological study of cancer incidence in Jersey, based on an audit over a defined period and an exploration of individuals' documented exposure to recognised risk factors.

Members present voted as follows –

**POUR: 21**

Senator P.F. Routier  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of St. Lawrence  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérissier (S)  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy S. Pitman (H)  
 Deputy K.C. Lewis (S)  
 Deputy of St. John  
 Deputy M. Tadier (B)  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)

**CONTRE: 17**

Senator T.A. Le Sueur  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. Saviour  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Deputy J.B. Fox (H)  
 Deputy of St. Ouen  
 Deputy of Trinity  
 Deputy A.E. Jeune (B)  
 Deputy A.T. Dupré (C)  
 Deputy E.J. Noel (L)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

**ABSTAIN: 0**

**Land Development Tax or equivalent mechanisms P.147/2011**

THE STATES commenced consideration of a proposition of the Deputy of St. Mary entitled 'Land Development Tax or equivalent mechanisms' (P.147/2011).

**Changes in Presidency**

The Bailiff briefly retired from the Chamber during consideration of the proposition of the Deputy of St. Mary entitled 'Land Development Tax or equivalent mechanisms' (P.147/2011) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States until his return.

**Arrangement of public business for the present meeting**

THE STATES, adopting a proposition of Deputy Montfort Tadier of St. Brelade, agreed to adjourn the meeting.

Members present voted as follows –

**POUR: 23**

Senator A.J.H. Maclean  
 Connétable of St. Ouen  
 Connétable of Grouville  
 Connétable of St. Martin  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy of St. Martin  
 Deputy J.B. Fox (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy P.V.F. Le Claire (H)  
 Deputy S. Pitman (H)  
 Deputy K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy M. Tadier (B)  
 Deputy A.E. Jeune (B)  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy A.T. Dupré (C)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 20**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of St. Brelade  
 Connétable of St. Saviour  
 Deputy R.C. Duhamel (S)  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.A. Martin (H)  
 Deputy of St. Ouen  
 Deputy J.A. Hilton (H)  
 Deputy of Trinity  
 Deputy E.J. Noel (L)  
 Deputy A.K.F. Green (H)

**ABSTAIN: 0**

**Adjournment**

THE STATES adjourned, having agreed to reconvene on Thursday 3rd November 2011 to resume consideration of the proposition of the Deputy of St. Mary entitled 'Land Development Tax or equivalent mechanisms' (P.147/2011) and the outstanding items of public business.

THE STATES rose at 5.28 p.m.

**A.H. HARRIS**

*Deputy Greffier of the States*